

MAY 19 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Campbell, Michael J. et al.

Serial No. 10/522,280

Filed: January 24, 2005

For: NOVEL PROCEDURE FOR GROWTH, IMAGING, AND
ENUMERATION OF MICROBIAL COLONIES FOR
SEROLOGICAL OR SCREENING ASSAYS

Art Unit: _____

Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By _____

Date

5/17/05

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

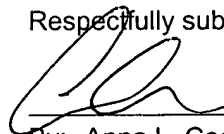
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Anna L. Cocuzzo

Attorney _____ For Applicant(s)

Reg. No. 42,452

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Patent Dept., RY60-30

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Date: May 17, 2005

STATEMENT BY APPLICANT

(as many sheets as necessary)

1

of

3

COMPLETE IF KNOWN**Application Number**

280

Filing Date

January 24, 2005

First Named Inventor

Caulfield, Michael J. et al.

Group Art Unit

Examiner Name

Attorney Docket Number	20930P
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[illegible]

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		WO	01/059157		Millipore Corporation	08/16/2001
		WO	00/77518		The Gov. of the USA, represented by the Sec. DHHS; Flow Applications, Inc.	12/21/2000
		WO	00/22431		Feldberg, S. et al.	04/20/2000
		WO	98/54354		The Trustees of the University of PA	12/03/1998
		WO	96/12819		Spiral Biotech, Inc.	05/02/1996

Examiner
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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			COMPLETE IF KNOWN		
			Application Number	10/522,280	
			Filing Date	January 24, 2005	
			First Named Inventor	Caulfield, Michael J. et al.	
			Group Art Unit		
			Examiner Name		
Sheet	2	of	3	Attorney Docket Number	20930P

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Abruzzo, G. et al. "Evaluation of the Echinocandin Antifungal MK-0991 (L-743,872): Efficacies in Mouse Models of Disseminated Aspergillosis, Candidiasis, and Cryptococcosis", Antimicrobial Agents and Chemotherapy, 1997, Vol. 41, pp. 2333-2338
		Anderson, E. et al. "Safety and Immunogenicity of Meningococcal A and C Polysaccharide Conjugate Vaccine in Adults", Infection and Immunity, 1994, Vol. 62, pp. 3391-3395
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		Esposito, A. et al. "An assessment of the factors contributing to the killing of type 3 <i>Streptococcus pneumoniae</i> by human polymorphonuclear leukocytes <i>in vitro</i> ", APMIS, 1990, Vol. 98, pp. 111-121
		Freeman, A. et al. "Effect of processing parameters on the feasibility and operational stability of immobilized viable microbial cells", Enzyme and Microbial Technology, 1998, Vol. 23, pp. 335-345
		Guckian, J. et al. "The Role of Opsonins in Recovery from Experimental Pneumococcal Pneumonia", The Journal of Infectious Diseases, 1980, Vol. 142, pp. 175-190
		Horikoshi, K. "Discovering novel bacteria, with an eye to biotechnological applications", Current Opinion in Biotechnology, 1995, Vol. 6, pp. 292-297
		Kaniuk, A. et al. "Specific IgG Subclass Antibody Levels and Phagocytosis of Serotype 14 Pneumococcus Following Immunization", Scandinavian Journal of Immunology, 1992, Vol. 36, Suppl. 11, pp. 96-98
		Kolmer, J. et al. "The Opsonic Activity of Fresh Normal Serum Alone and in Combination with Antimeningitis Serum for Meningococci", The Journal of Immunology, 1918, Vol. 3, pp. 157-175
		Lin, J. et al. "Chromogenic Assay Measuring Opsonophagocytic Killing Capacities of Antipneumococcal Antisera", Clinical and Diagnostic Laboratory Immunology, 2001, Vol. 8, pp. 528-533
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		Loferer, H. et al. "Integrated bacterial genomics for the discovery of novel antimicrobials", Drug Discovery Today, 2000, Vol. 5, pp. 107-114
		Lortan, J. et al. "Relationship of <i>in vitro</i> phagocytosis of serotype 14 <i>Streptococcus pneumoniae</i> to specific class and IgG subclass antibody levels in healthy adults", Clinical and Experimental Immunology, 1993, Vol. 91, pp. 54-57
		Maslanka, S. et al. "Standardization and a Multilaboratory Comparison of <i>Neisseria meningitidis</i> Serogroup A and C Serum Bactericidal Assays", Clinical and Diagnostic Laboratory Immunology, 1997, Vol. 4, pp. 156-167
		Milagres, L. et al. "Immune Response of Brazilian Children to a <i>Neisseria meningitidis</i> Serogroup B Outer Membrane Protein Vaccine: Comparison with Efficacy", Infection and Immunity, 1994, Vol. 62, pp. 4419-4424

Examiner Signature		Date Considered	
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Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Mittelman, M. et al. "Bacterial Cell Size And Surface Charge Characteristics Relevant to Filter Validation Studies", PDA Journal of Pharmaceutical Science & Technology, 1998, Vol. 52, pp. 37-42
		Nahm, M. et al. "A Modified Farr Assay Is More Specific than ELISA for Measuring Antibodies to <i>Streptococcus pneumoniae</i> Capsular Polysaccharides", The Journal of Infectious Diseases, 1996, Vol. 173, pp. 113-118
		Obaro, S. et al. "Defective antibody-mediated opsonisation of <i>S. pneumoniae</i> in high risk patients detected by flow cytometry", Immunology Letters, 1996, Vol. 49, pp. 83-89
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		Romero-Steiner, S. et al. "Standardization of an Opsonophagocytic Assay for the Measurement of Functional Antibody Activity against <i>Streptococcus pneumoniae</i> Using Differentiated HL-60 Cells", Clinical and Diagnostic Laboratory Immunology, 1997, Vol. 4, pp. 415-422
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		Sveum, R. et al. "A quantitative fluorescent method for measurement of bacterial adherence and phagocytosis", Journal of Immunological Methods, 1986, Vol. 90, pp. 257-264
		van Reis, R. et al. "Membrane separations in biotechnology", Current Opinion in Biotechnology, 2001, Vol. 12, pp. 208-211
		Vernacchoi, L. et al. "Comparison of an Opsonophagocytic Assay and IgG ELISA to Assess Responses to Pneumococcal Polysaccharide and Pneumococcal Conjugate Vaccines in Children and Young Adults with Sickle Cell Disease", The Journal of Infectious Diseases, 2000, Vol. 181, pp. 1162-1166
		Vioarsson, G. et al. "Opsonization and Antibodies to Capsular and Cell Wall Polysaccharides of <i>Streptococcus pneumoniae</i> ", The Journal of Infectious Diseases, 1994, Vol. 170, pp. 592-599
		Winkelstein, J. et al. "The Role of C3 as an Opsonin in the Early Stages of Infection (38815)", Proceedings of the Society for Experimental Biology and Medicine, 1975, Vol. 149, pp. 397-401
		Zangwill, K. et al. "Duration of Antibody Response after Meningococcal Polysaccharide Vaccination in US Air Force Personnel", The Journal of Infectious Diseases, 1994, Vol. 169, pp. 847-852

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